

MONTANA LEGISLATIVE HISTORY

Chapter 283 19 87

Bill H 555 S \_\_\_\_\_ Original bill & history C

H. Committee on Human Services

Hearing Date(s) 2-7 ☒ C

\_\_\_\_\_ C

\_\_\_\_\_ C

\_\_\_\_\_ C

Date Out 2-7 ☒ C

S. Committee on Public Health

Hearing Date(s) 3-11 ☒ C

\_\_\_\_\_ C

\_\_\_\_\_ C

\_\_\_\_\_ C

Did this bill originate in an interim committee? Yes No

Committee \_\_\_\_\_

Report \_\_\_\_\_

# HOUSE FINAL STATUS

|      |                                             |       |
|------|---------------------------------------------|-------|
| 1/30 | REFERRED TO JUDICIARY                       |       |
| 2/10 | HEARING                                     |       |
| 2/10 | COMMITTEE REPORT--BILL PASSED               |       |
| 2/12 | 2ND READING PASSED                          | 88 10 |
| 2/13 | 3RD READING PASSED                          | 84 6  |
|      | TRANSMITTED TO SENATE                       |       |
| 2/16 | REFERRED TO JUDICIARY                       |       |
| 3/23 | HEARING                                     |       |
| 3/26 | COMMITTEE REPORT--BILL CONCURRED AS AMENDED |       |
| 3/30 | 2ND READING CONCURRED                       | 50 0  |
| 3/30 | 3RD READING CONCURRED                       | 50 0  |
|      | RETURNED TO HOUSE WITH AMENDMENTS           |       |
| 4/08 | 2ND READING AMENDMENTS CONCURRED            | 93 0  |
| 4/09 | 3RD READING AMENDMENTS CONCURRED            | 96 1  |
| 4/13 | SIGNED BY SPEAKER                           |       |
| 4/13 | SIGNED BY PRESIDENT                         |       |
| 4/14 | TRANSMITTED TO GOVERNOR                     |       |
| 4/17 | SIGNED BY GOVERNOR                          |       |
|      | CHAPTER NUMBER 533 EFFECTIVE DATE: 10/01/87 |       |

## HB 555 INTRODUCED BY SANDS AUTHORIZING IMPAIRED PHYSICIAN PROGRAM

|      |                                             |      |
|------|---------------------------------------------|------|
| 1/30 | INTRODUCED                                  |      |
| 1/30 | REFERRED TO HUMAN SERVICES & AGING          |      |
| 1/30 | FISCAL NOTE REQUESTED                       |      |
| 2/04 | FISCAL NOTE RECEIVED                        |      |
| 2/07 | HEARING                                     |      |
| 2/09 | COMMITTEE REPORT--BILL PASSED               |      |
| 2/11 | 2ND READING PASSED                          | 94 2 |
| 2/12 | 3RD READING PASSED                          | 95 3 |
|      | TRANSMITTED TO SENATE                       |      |
| 2/13 | REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY |      |
| 3/11 | HEARING                                     |      |
| 3/12 | COMMITTEE REPORT--BILL CONCURRED            |      |
| 3/17 | 2ND READING CONCURRED                       | 49 1 |
| 3/19 | 3RD READING CONCURRED                       | 49 0 |
|      | RETURNED TO HOUSE                           |      |
| 3/23 | SIGNED BY SPEAKER                           |      |
| 3/24 | SIGNED BY PRESIDENT                         |      |
| 3/25 | TRANSMITTED TO GOVERNOR                     |      |
| 3/29 | SIGNED BY GOVERNOR                          |      |
|      | CHAPTER NUMBER 283 EFFECTIVE DATE: 7/01/87  |      |

## HB 556 INTRODUCED BY MENAHAN, ET AL. BROADEN PROPERTY TAX EXEMPTION FOR FRATERNAL ORGANIZATIONS

|      |                       |
|------|-----------------------|
| 1/30 | INTRODUCED            |
| 1/30 | REFERRED TO TAXATION  |
| 1/30 | FISCAL NOTE REQUESTED |
| 2/06 | FISCAL NOTE RECEIVED  |
| 2/10 | HEARING               |
| 2/13 | TABLED IN COMMITTEE   |

## HB 557 INTRODUCED BY DRISCOLL COMPUTATION OF WORKERS' COMPENSATION PREMIUM FOR CONSTRUCTION INDUSTRY

# STATUS SHEET

50th LEGISLATIVE SESSION

HUMAN SERVICES COMMITTEE

| HOUSE<br>BILL<br>NUMBER | ENTERED<br>COM.<br>DATE | DATE<br>CON-<br>SIDERED | OUT OF<br>COM. | DO PASS<br>DATE | DO NOT<br>PASS<br>DATE | DO<br>PASS AS<br>AMENDED<br>DATE | DO NOT<br>PASS AS<br>AMENDED<br>DATE | BE CON-<br>CURRED<br>IN<br>DATE | BE<br>NOT CON-<br>CURRED<br>IN<br>DATE | BE CON-<br>CURRED IN<br>AMENDED<br>DATE | BE NOT<br>CONCURRED<br>IN AS<br>AMENDED<br>DATE |
|-------------------------|-------------------------|-------------------------|----------------|-----------------|------------------------|----------------------------------|--------------------------------------|---------------------------------|----------------------------------------|-----------------------------------------|-------------------------------------------------|
| 543                     | 1/30/87                 | 2/7/87                  |                |                 | 2/7/87                 |                                  |                                      |                                 |                                        |                                         |                                                 |
| 555                     | 1/30/87                 | 2/7/87                  |                | 2/7/87          |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 571                     | 2/2/87                  | 2/7/87                  |                | 2/7/87          |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 581                     | 2/3/87                  | 2/10/87                 |                | 2/14/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 596                     | 2/4/87                  | 2/10/87                 | 2/14/87        | tabled          |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 613                     | 2/5/87                  | 2/10/87                 | 2/10/87        | tabled          |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 614                     | 2/5/87                  | 2/10/87                 |                |                 |                        | 2/10/87                          |                                      |                                 |                                        |                                         |                                                 |
| 615                     | 2/5/87                  | 2/10/87                 |                | 2/10/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 627                     | 2/5/87                  | 2/12/87                 |                |                 |                        | 2/14/87                          |                                      |                                 |                                        |                                         |                                                 |
| 637                     | 2/6/87                  | 2/12/87                 |                | 2/14/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 641                     | 2/06/87                 | 2/12/87                 |                |                 |                        | 2/14/87                          |                                      |                                 |                                        |                                         |                                                 |
| 647                     | 2/7/87                  | 2/12/87                 |                | 2/14/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 674                     | 2/9/87                  | 2/14/87                 |                | 2/14/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |
| 675                     | 2/9/87                  | 2/17/87                 |                | 2/17/87         |                        |                                  |                                      |                                 |                                        |                                         |                                                 |

e a separate sheet for Senate Bills, House Bills, and Resolutions.

not state assumed as stated on page 1 line 18 of the bill. Rep Bradley noted 90% of the caseload was in the 12 assumed counties, with only 10% distributed over the other 44 counties. Sue Mohr, responding to Rep Cody, stated the 44 counties could be dropped from the screening process. Rep Bradley stated she could see no problem with that suggestion; but the change could funnel more individuals to the assumed counties.

In responding to a question from Rep Russell, Jim Smith noted there is a migration of individuals from the 44 counties to the 12 state assumed counties, and if an individual lived outside a state assumed county that offered them more services they should be encouraged to locate in a state assumed county.

#### CONSIDERATION OF HOUSE BILL 555

REP JACK SANDS, Billings, introduced HB 555 which would authorize the Board of Medical Examiners to establish a program for impaired physicians. He stated the fiscal note reflects a budget of \$116,000 which will be generated by a fee assessed on doctors.

#### PROPOSERS

MAURICE HAMILL, President and Executive Secretary, Montana Board of Medical Examiners, stated in the past five (5) fiscal years from 1983 through 1987 there was a total of 20 reports of alleged impairment of physicians in the state. He stated there were three (3) new ones in fiscal year 1987, while 11 are being monitored at this time. He added these physicians are dealt with on an individual basis. He concluded by saying there was a need for a very viable program to maintain satisfactory and competent care for the people of Montana, especially the small communities who rely on one (1) or two (2) doctors.

ED BERT, Board of Medical Examiners, spoke in support of the legislation. In 1977 there was legislation passed stating individuals could report cases of impaired physicians to the board with immunity. He elaborated on the services provided for impaired physicians through the board and the need for expansion of the current service delivery system.

JERRY KOHN, Billings, Board of Medical Examiners, stated the board has the authority to establish this program to help impaired physicians, but needs this specific authority, not implied authority. Mr Kohn said the licensing fee increase to physicians would amount to \$41.00 per year.

EILEEN ROBBINS, R.N., speaking on behalf of the Montana Nurses' Association, read her prepared text in support of HB 555 (exhibit 4).

BILL LEARY, representing the Montana Hospital Association, expressed their support for HB 555.

KATHERINE KLEINKOPF, Missoula, Board of Medical Examiners, urged support of HB 555.

OPPONENTS

There were no opponents.

REP SANDS closed the testimony on HB 555.

EXECUTIVE SESSION - HOUSE BILL 555

REP SQUIRES made a motion that House Bill 555 DO PASS.

A voice vote was taken and the motion PASSED unanimously.

EXECUTIVE SESSION - HOUSE BILL 571

REP DAILY made a motion that House Bill 571 DO PASS.

A voice vote was taken and the motion PASSED unanimously.

EXECUTIVE SESSION - HOUSE BILL 543

REP DAILY made a motion that House Bill 543 DO NOT PASS.

A voice vote was taken and the motion PASSED, with Rep Sands and Rep Gilbert voting no.

EXECUTIVE SESSION - HOUSE BILL 490

REP DAILY made a motion that House Bill 490 DO NOT PASS.

A voice vote was taken and the motion PASSED unanimously.

The meeting was adjourned at 1:55 p.m.

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Budd Gould, Chairman

## DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEB. 7. 1987

| NAME                            | PRESENT | ABSENT | EXCUSED |
|---------------------------------|---------|--------|---------|
| REP. BUDD GOULD, CHAIRMAN       | X       |        |         |
| REP. BOB GILBERT, VICE CHAIRMAN | X       |        |         |
| REP. JAN BROWN                  | X       |        |         |
| REP. DUANE COMPTON              | X       |        |         |
| REP. DOROTHY CODY               | X       |        |         |
| REP. DICK CORNE'                | X       |        |         |
| REP. LARRY GRINDE               | X       |        |         |
| REP. STELLA JEAN HANSEN         | X       |        |         |
| REP. LES KITSELMAN              | X       |        |         |
| REP. LLOYD MC CORMICK           | X       |        |         |
| REP. RICHARD NELSON             | X       |        |         |
| REP. JOHN PATTERSON             | X       |        |         |
| REP. ANGELA RUSSELL             | X       |        |         |
| REP. JACK SANDS                 | X       |        |         |
| REP. BRUCE SIMON                | X       |        |         |
| REP. CAROLYN SQUIRES            | X       |        |         |
| REP. TONIA STRATFORD            | X       |        |         |
| REP. BILL STRIZICH              | X       |        |         |
|                                 |         |        |         |
|                                 |         |        |         |
|                                 |         |        |         |
|                                 |         |        |         |
|                                 |         |        |         |

# STANDING COMMITTEE REPORT

FEBRUARY 7, 1967

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 555

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☐ as amended  
☐ statement of intent attached

R. BUDD GOULD,

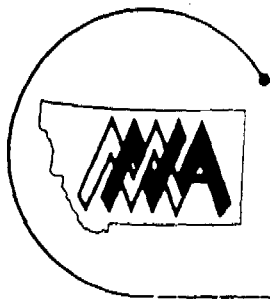
Chairman

AUTHORIZING IMPAIRED PHYSICIAN PROGRAM

*B*  
FIRST

WHITE

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# Montana Nurses' Association

~~2001 E. EIGHTH AVENUE~~

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

## HB 555

The Montana Nurses' Association supports HB 555 which authorizes the Board of Medical Examiners to establish a program for impaired physicians.

The abuse of alcohol and other drugs is a commonly shared occupational hazard of nurses and physicians. It is estimated that the national average of abuse by health care workers is 35%.

Drug addiction is a long term chronic illness; one is never fully recovered. A program for impaired physicians would provide a continuous rehabilitation program designed and administered by peers who have a sincere interest in promoting their recovery.

A program for impaired physicians would indirectly benefit nurses and other health care professionals by providing a role model of the "recovered" impaired physician.

The MNA supports the efforts of physicians to protect the public health by working towards the rehabilitation of impaired physicians.

Please give this bill a DO PASS recommendation.

Respectfully submitted,  
Eileen C. Robbins, R.N.  
February 6, 1987



## VISITORS' REGISTER

HUMAN SERVICES COMMITTEEBILL NO. 555 (555)DATE 12/7/57SPONSOR R.D.S.

| NAME (please print) | REPRESENTING               | SUPPORT | OPPOSE |
|---------------------|----------------------------|---------|--------|
| Jerome M. Kohn      | BOARD OF MEDICAL EXAMINERS | X       |        |
| E. E. BERTHON, M.D. | Board of Medical Examiners | X       |        |
| William M. Thompson | Board of Medical Examiners | X       |        |
| William M. Thompson | Board of Medical Examiners | X       |        |
| William M. Thompson | Board of Medical Examiners | X       |        |
| Richard Jones       | member, private MD         | X       |        |
| J. T. B. B. B.      | member                     | ✓       |        |
| William M. Thompson |                            | ✓       |        |
| William M. Thompson |                            | ✓       |        |
| William M. Thompson |                            | ✓       |        |
| William M. Thompson |                            | ✓       |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |
|                     |                            |         |        |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SECRETARY-ELLEN NEHRING

| BILL NO                                                                                | REFER DATE | HEARING DATE | CONSIDERATION DATES | COMMITTEE ACTION  | REREFERRED TO COMM | DATE OUT |
|----------------------------------------------------------------------------------------|------------|--------------|---------------------|-------------------|--------------------|----------|
| HB0402                                                                                 | 2/10       | 3/04         |                     | CONCUR            |                    | 3/18/87  |
| STRIZICH, BILL RECORDS RETENTION RULES FOR MENTAL HEALTH FACILITIES                    |            |              |                     |                   |                    |          |
| HB0416                                                                                 | 2/21       | 3/18         |                     | CONCUR            |                    | 3/20/87  |
| DONALDSON, GENE CLARIFYING AND EXPANDING UNDERGROUND TANK ENFORCEMENT AUTHORITY        |            |              |                     |                   |                    |          |
| HB0428                                                                                 | 2/12       | 3/23         |                     | CONCUR            |                    | 3/25/87  |
| CONNELLY, MARY ELLEN UTILIZATION OF FUNDS GENERATED BY TAXATION OF ALCOHOLIC BEVERAGES |            |              |                     |                   |                    |          |
| HB0455                                                                                 | 2/04       | 3/20         |                     | CONCUR            |                    | 3/20/87  |
| MILES, JOAN ESTABLISHING LONG-TERM CARE FACILITY RESIDENTS' RIGHTS                     |            |              |                     |                   |                    |          |
| HB0462                                                                                 | 2/04       | 3/20         |                     | CONCUR AS AMENDED |                    | 3/20/87  |
| MILES, JOAN CLARIFYING PROVISIONS FOR SEVERELY DISABLED PERSONS                        |            |              |                     |                   |                    |          |
| HB0471                                                                                 | 2/24       | 3/06         |                     | CONCUR AS AMENDED |                    | 3/11/87  |
| DARKO, PAULA PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS    |            |              |                     |                   |                    |          |
| HB0480                                                                                 | 2/11       | 3/25         |                     | CONCUR            |                    | 3/25/87  |
| MILES, JOAN CLARIFYING THE ELIGIBILITY OF CHILDREN OF UNEMPLOYED PARENTS               |            |              |                     |                   |                    |          |
| HB0536                                                                                 | 2/16       | 3/06         |                     | CONCUR            |                    | 3/9/87   |
| DEVLIN, GERRY EXEMPT NONPROFIT ORGANIZATIONS FROM LICENSING OF FOOD ESTABLISHMENTS     |            |              |                     |                   |                    |          |
| HB0541                                                                                 | 2/16       | 3/11         |                     | CONCUR            |                    | 3/11/87  |
| SMITH, CLYDE REVISING NURSES LICENSING LAWS                                            |            |              |                     |                   |                    |          |
| HB0555                                                                                 | 2/13       | 3/11         |                     | CONCUR            |                    | 3/11/87  |
| SANDS, JACK AUTHORIZING IMPAIRED PHYSICIAN PROGRAM                                     |            |              |                     |                   |                    |          |
| HB0571                                                                                 | 2/16       | 3/25         |                     | CONCUR            |                    | 3/25/87  |
| DAILY, FRITZ RAISE FROM 16 TO 18 THE AGE OF CHILDREN WHOSE WELFARE MAY BE ENDANGERED   |            |              |                     |                   |                    |          |

MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
MONTANA STATE SENATE

March 11, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on March 11, 1987, in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 555: Rep. Jack Sands, District # 90, sponsor of the bill, explained that this bill authorizes the Board of Medical Examiners to establish a drug and alcohol treatment program for impaired physicians and that the costs to the state would be \$116,000 for the biennium.

PROPOSERS: Maurice Hammill, Montana Board of Medical Examiners, testified that since 1977, any licensed physician needs to report to the board any allegations of impairment, whether it be mental, physical, or substance abuse. They have been operating now to provide care to physicians and have several to treat.

Edward Nolley: Board of Medical Examiners, stated that the Board has worked closely with hospitals since 1977 to have impaired physicians reported and then has worked with these doctors in providing necessary therapy. This is now a speciality in medicine and the medical profession is trying to keep up with events happening throughout the U.S. The Board requires money to check on cases. It comes out of fees to the Board of Medical Examiners at no cost to the people of Montana.

Jerry Lindorf, Montana Medical Association, stated that they have removed incompetent physicians from practice, but the state prefers to salvage these doctors whenever possible, because they have invested so much money in their medical educations.

Eileen Robbins, Montana Nurses Association, stated that physicians' impairment is harmful to nurses and patients. The therapy program offers an opportunity to physicians to recover and provide a strong role model for others.

Exhibit # 1.

Wm. Leary, Montana Hospital Association, stated that because of the professional isolation in rural areas of Montana, physicians do turn to alcohol and drugs to fill in long hours. It is better to help these doctors because it is very difficult to bring physicians to these areas and communities have often made an investment to bring doctors to their areas.

DISCUSSION OF H.B. 555: Sen. Rassmussen: Are these physicians out of practice for awhile?

Edward Nolley: Some are pulled from practice for awhile, but it depends on how radically impaired they are. In any case they are supervised; and the physicians sign a contract to do follow-up treatment.

Sen. Williams: Is there a similar program for nurses?

Eileen Robbins: No, but we are looking at establishing one.

Sen. Himsel: Can't the individual doctor pay for his own treatment?

Edward Nolley: The treatment is at the physician's expense, but the costs in the fiscal note are for the state's monitoring costs. Also, the state is

developing evidence in case the individual completely fouls up and the state needs to remove his/her license.

Sen McLane: Is any physician required to report to the Board of Medical Examiners any physician who is in difficulty?

Edward Nolley: Yes, and as the program becomes better known in the communities, the doctors know that they can be suspended for thirty days for not reporting offending doctors.

Sen. Williams: Is it true that if the board gets reports of any kind from rural areas, they must do a check?

Edward Nolley: Yes, the board checks and the physicians are very cooperative when the Board of Medical Examiners is "on his back". The board has lost five physicians who no one reported, but it has had good success bringing doctors back.

Rep. Jack Sands closed his testimony by stating that no general fund expenditures are sought for this segment of the population and he urges a do pass.

ACTION ON H.B. 555: Sen. Rassmussen moved that H.B. 555 BE CONCURRED IN. The bill received an unanimous do pass. Sen. Hager will carry the bill in the Senate.

CONSIDERATION OF H.B. 541: Rep. Clyde Smith, District # 5, sponsor of the bill, explained the purpose of the bill and the make-up of the board. The bill clarifies the terms of the nursing board members, the educational requirements for nurse specialty areas, and the board's procedures for denial, revocation, or suspension of a license.

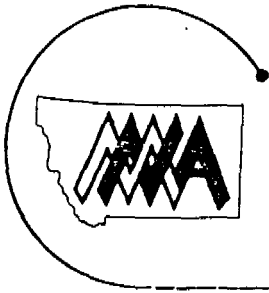
PROPOSERS: Phyllis McDonald, executive secretary for the Montana Board of Nursing, first explained the amendment dealing with public members appointed to the Board of Nursing, that they should serve staggered terms as professional members now do. This would provide for greater continuity as the board deals with issues before it.

The second item the bill addresses is formal recognition of a nurse as a practitioner in a specialty area of nursing. This bill specifically states that a specialty area applicant be certified by a specialty area certifying body. The subject of this type of certification was addressed in a bill to the legislature in 1981, but the language of that bill has led to several expensive lawsuits for the MNA. The original intent was to require advanced training in the field of specialization, certification by a national credentialing organization and meeting standards imposed by the board. This amendment makes the intent clear.

The third feature of H.B. 541 gives the board authority to investigate complaints without a formal written complaint being filed first. The formal written complaint discourages citizen participation, board initiative and protection of the public. The amendment still provides for preliminary investigation, due process and fair hearing protections. Exhibit # 2.

DATE 3-11-87

(Please leave prepared statement with Secretary)



# Montana Nurses' Association

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 3-11-87

BILL NO. 555

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

HB 555

Madame Chair, members of the committee, I am Eileen Robbins, speaking on behalf of the Montana Nurses' Association, an organization with over 1400 registered nurse members.

The Montana Nurses' Association supports HB 555 which authorizes the Board of Medical Examiners to establish a program for impaired physicians.

The abuse of alcohol and other drugs is a commonly shared occupational hazard of nurses and physicians. In fact, their incidence of impairment from chemical dependency due to pharmaceuticals is 35 times the national average.

A program for impaired physicians would provide a continuous rehabilitation program designed and administered by colleagues who have a sincere interest in promoting recovery. And, it would indirectly benefit nurses and other health care professionals by providing a role model of the "recovered impaired physician".

MNA strongly supports the efforts of physicians to protect the public health by working towards the recovery of impaired physicians.

Please give this bill a DO PASS recommendation.

Respectfully submitted,  
Eileen C. Robbins, R.N.  
March 11, 1987

# STANDING COMMITTEE REPORT

MARCH 11 1987

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 555

THIRD reading copy ( BLUE )  
color

AUTHORIZING IMPAIRED PHYSICIAN PROGRAM

SANDS (HAGER)

Respectfully report as follows: That HOUSE BILL No. 555

BE CONCURRED IN

~~XXXXXX~~  
DO PASS

~~XXXXXX~~  
DO NOT PASS

DOROTHY ECK  
Chairman.